

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PASSPORT INTERNATIONAL ENTERTAINMENT,
LLC, a California Limited Liability Company,

Plaintiff,

-against-

HISTORIC FILMS ARCHIVE, LLC, a New York
Limited Liability Company

Defendant.

X

Civil Action No. 07 Civ 8194
(VM/DF)

NOTICE OF MOTION
FOR LEAVE TO
APPEAR PRO HAC VICE

X

Pursuant to Local Civil Rule 1.3(c), plaintiff, by its counsel Caplan & Ross, LLP, hereby moves this Court for an order granting leave to Michael R. Blaha, Esq. of the firm of Law Offices of Michael R. Blaha at 2350 Wilshire Boulevard, Third Floor, Santa Monica, California 90403-4642 to appear *pro hac vice* as counsel for plaintiff. The form of such order is annexed hereto as Exhibit A. In support of this Motion, plaintiff directs the attention of this Court to the annexed Certificate of Good Standing as Exhibit B and the Declaration of Brian D. Caplan, Esq., and Affidavit of Michael R. Blaha.

Dated: New York, New York
October 29, 2007

CAPLAN & ROSS, LLP

By: 

Brian D. Caplan (BC-1713)

100 Park Avenue, 18th Floor
New York, New York 10017
(212) 973-2376
Attorneys for Plaintiff

To: David M. Levy (DL 7255)
Levy & Boonshoft, P.C.
477 Madison Avenue, 14th Floor
New York, New York 10022

DL 7255-634618 11/1/07

FILED
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PASSPORT INTERNATIONAL ENTERTAINMENT, LLC, a California Limited Liability Company,)	Civil Action No. 07 Civ 8194
)	(VM/DF)
)	
Plaintiff,)	
)	
-against-)	<u>DECLARATION</u>
)	<u>OF BRIAN D. CAPLAN</u>
)	
HISTORIC FILMS ARCHIVE, LLC, a New York Limited Liability Company)	
)	
)	
Defendant.)	
-----		X

BRIAN D. CAPLAN, being duly admitted to practice before this Court, hereby declares as follows under penalty of perjury:

1. I am a member of the law firm of Caplan & Ross, LLP, counsel for plaintiff.
2. I am an attorney duly admitted to practice before the courts of the State of New York.

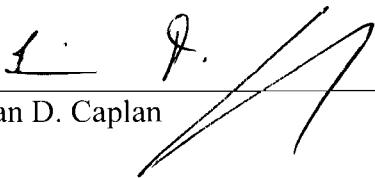
I have been a member of the Bar of this Court since 1985, and a member of the Bar of the State of New York since 1985.

3. Michael R. Blaha is a member of the firm of Law Offices of Michael R. Blaha located at 2350 Wilshire Boulevard, Third Floor, Santa Monica, California 90403-4642 and practices primarily in the State of California. Mr. Blaha is an attorney duly admitted to practice before the courts of the State of California.

4. I respectfully submit that the application for admission *pro hac vice* should be granted as to Mr. Blaha because he is an able attorney in good standing in his jurisdiction and is familiar with the facts and legal issues in this case. For the foregoing reasons I respectfully request that the Court enter the attached order granting plaintiff's Motion for an order permitting Mr. Blaha

to appear in this action as counsel for all purposes on behalf of the plaintiff.

Dated: New York, New York
October 29, 2007



Brian D. Caplan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
PASSPORT INTERNATIONAL ENTERTAINMENT,) Civil Action No.
LLC, a California Limited Liability Company,)
)
Plaintiff,) <u>AFFIDAVIT</u>
)
-against-)
)
HISTORIC FILMS ARCHIVE, LLC, a New York)
Limited Liability Company)
)
Defendant.)
-----X	

MICHAEL R. BLAHA, being duly sworn, under oath, deposes and says as follows:

1. I am an attorney admitted to practice in the State of California. I am a member of the firm of Law Offices of Michael R. Blaha in Santa Monica, California.
2. I make this affidavit pursuant to Local Civil Rule 1.3(c) in support of plaintiff's motion for an order to permit me to appear in this action as counsel for all purposes on behalf of plaintiff *pro hac vice*.
3. I have been a member of the bar of the State of California since 1979 and am currently a member in good standing.
4. I have never been held in contempt of court, nor censured or disbarred by any court. I am familiar with the provisions of the judicial code, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Rules of the Southern District of New York, and the Code of Professional Responsibility of the American Bar Association.

5. For the foregoing reasons, I respectfully request that the Court enter the attached order permitting me to appear in this action on behalf of the defendant as counsel for all purposes.

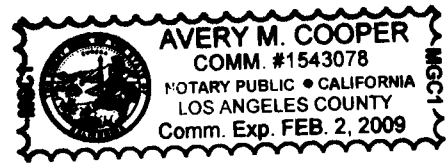


MICHAEL R. BLAHA

Sworn to before me this
17th day of September, 2007 by Michael R. Blaha.



Notary Public, State of California, County of Los Angeles
My Commission Expires: 2/2/09
Acting in the County of Los Angeles





THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

October 25, 2007

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MICHAEL ROY BLAHA, #089209 was admitted to the practice of law in this state by the Supreme Court of California on November 29, 1979; that from the date of admission to July 24, 1989, he was an ACTIVE member of the State Bar of California; that on July 24, 1989, he was suspended from the practice of law in California by order of the Supreme Court for nonpayment of State Bar membership fees; that said suspension remained in effect to September 26, 1991 upon which last mentioned date he was reinstated by the Supreme Court upon payment of all delinquent State Bar fees and penalties; that from that date to July 21, 1997, he was an ACTIVE member of the State Bar of California; that on July 21, 1997, he was suspended from the practice of law in California by order of the Supreme Court for nonpayment of State Bar membership fees; that said suspension remained in effect to July 25, 1997 upon which last mentioned date he was reinstated by the Supreme Court upon payment of all delinquent State Bar fees and penalties; that the public record states that information has been provided pursuant to Business and Professions Code section 6086.1(c); and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA


Kath Lambert


Custodian of Membership Records

CERTIFICATE OF SERVICE

I, Nicole L. Mondschein, hereby certify that on October 18, 2007, I caused to be served a true and correct copy of the within Notice of Motion for Leave to Appear Pro Hac Vice and annexed Declaration of Brian D. Caplan, Affidavit of Michael R. Blaha, and Exhibits A and B, by First Class Mail, upon the following:

David M. Levy
Levy & Boonshoft, P.C.
477 Madison Avenue, 14th Floor
New York, New York 10022
~~Defendants~~ Attorneys for Defendants

Dated: October 18, 2007
New York, New York



Nicole L. Mondschein (NM 5610)